IN THE HIGH COURT OF UTTARANCHAL

AT NAINITAL
Writ Petition No. 893 of 2005 (S/S)

Anoop Purohit
S/o Late Anusuya Prasad Purohit
R/o Village – Pali, Jaikhanda
Post Office – Chopra
Tehsil & District – Rudraprayag
Presently residing at C/o Shri Om Prakash Purhoit
A.K. Gift Center, Mandir Marg,
Gopeshwar, District – Chamoli … Petitioner

Versus

1. State of Uttaranchal
through Secretary Co-Operative Societies
Government of Uttaranchal, Dehradun

2. Registrar
Co-operative Societies, Uttaranchal,
Dehradun

3. Additional Registrar
Co-operative Societies Uttaranchal,
Dehradun

4. District Assistant Registrar
Co-operative Societies
Chamoli at Gopeshwar … Respondents

Sri Pankaj Purohit, learned counsel for the petitioner.
Sri Paresh Tripathi, learned Standing Counsel for the respondents.

Hon'ble B.C. Kandpal, J.

By way of this Writ Petition, a direction in the nature of mandamus has been sought directing the respondents to give the appointment to the petitioner on compassionate ground ignoring the delay in making application according to his educational qualifications under dying in harness rule.

Brief facts giving rise to this writ petition are that the father of the petitioner was working as Co-operative Supervisor in the office of additional Registrar, Co-operative

Societies, Dehradun who died on 11.02.1993 while in service leaving behind his widow, the petitioenr and his one brother and sister. It has been alleged in the writ petition that the wife of the deceased could not bear the shock of sudden death of her husband and became mentally ill and, therefore, could not apply for appointment on compassionate ground under the dying in harness rule.

It is averred in the writ petition that now the petitioenr has attained the age of majority and he being the son of the decease be provided job on compassionate ground under the dying in harness rules. Hence, this writ petition.

Heard learned counsel for the parties and perused the record.

The **Hon'ble Supreme Court** in a decision reported in *(2000) 7 SCC page 192 Sanjay Kumar Vs. State of Bihar & others* has clearly ruled that :-

"There cannot e reservation of a vacancy till such time as the petitioenr becomes a major after a number of years, unless there are some specific provisions. The very basis of compassionate appointment is to see that the family gets immediate relief."

In view of the aforesaid observation made by the Hon'ble Apex Court, I am of the view that the compassionate appointment is intended to enable the family of the deceased employee to tide over the sudden crises resulting due to death of the bread-earner who has left the family in penury and without any means of livelihood.

It is significant to not here that on the date when father of the petitioner was died, the age of the petitioenr was minor and was not eligible for appointment. Therefore, there cannot be any reservation of a vacancy till such time, as the petitioner becomes major after a number of years.

With these observations, the writ petition is dismissed.

However, respondent no. 2 may consider the representation of the petitioner if the petitioner moves so within a period of 15 days.

(B.C. Kandpal, J.)

7th July, 2005
Shiv